

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference DCS/P02127WO/JEC	<b>FOR FURTHER ACTION</b>	
See Form PCT/IPEA/416		
International application No. PCT/GB2004/005429	International filing date (day/month/year) 23.12.2004	Priority date (day/month/year) 24.12.2003
International Patent Classification (IPC) or national classification and IPC B25B1/24, B21D37/02, B23Q7/04, B23Q5/40		
Applicant SURFACE GENERATION LTD. et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a.  (*sent to the applicant and to the International Bureau*) a total of sheets, as follows:
    - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand  20.07.2005	Date of completion of this report  06.02.2006
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Lasa, A Telephone No. +49 89 2399-2641



## **INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.  
PCT/GB2004/005429

**Box No. I Basis of the report**

- With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
    - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
      - international search (under Rules 12.3 and 23.1(b))
      - publication of the international application (under Rule 12.4)
      - international preliminary examination (under Rules 55.2 and/or 55.3)
  - With regard to the elements\* of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-8 as originally filed

## **Claims, Numbers**

1-15 as originally filed

## **Drawings, Sheets**

1/5-5/5 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:

  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/GB2004/005429

## Box No. IV Lack of unity of invention

1.  In response to the invitation to restrict or pay additional fees, the applicant has:
  - restricted the claims.
  - paid additional fees.
  - paid additional fees under protest.
  - neither restricted nor paid additional fees.
2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
  - complied with.
  - not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
  - all parts.
  - the parts relating to claims Nos. ..

## Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Yes:	Claims	1-7,10-11,14-15
	No:	Claims	8-9,12-13
Inventive step (IS)	Yes:	Claims	1-7,10-11,14-15
	No:	Claims	8-9,12-13
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

### 2. Citations and explanations (Rule 70.7):

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/GB2004/005429

**Cited documents**

D1: WO 02/064308 A1

D3: EP-A-0 808 555

**Re Item IV.**

The application lacks unity. The separate inventions are:

**1) Claims 1-7:**

Tooling system with a rotatable fork for engaging an element.

Problem solved: adjust the height of the elements of the tooling system.

**2) Claims 8-15:**

Fork with a head portion and a plurality of tines with special inwardly facing surfaces.

Problem solved: provide means for engaging an element.

The inventions are not so linked as to form a single general inventive concept (Rule 13.1 PCT). Their common subject-matter is a fork suitable for engaging an element of a tooling system. Such a fork is not new because a fork known from D3 (see Item V) is also suitable for engaging an element of a tooling system, all the more since the geometry of the element is not defined. The fact that D3 does not mention the use of the fork in a tooling system does not make the fork less suitable for that application.

Thus, both inventions are not linked by a single general inventive concept.

**Re Item V.**

**Claims 1-7:**

The tooling system of claim 1 is new and inventive.

It differs from the one disclosed in D1 in that it comprises a fork driveable in rotation for engaging the elements of the array and adjusting their height.

Such means for the height adjustment of the elements is not known from the prior art.

Claims 2-7 are dependent on claim 1, so that their subject-matter is also new and inventive.

**Claims 8-15:**

The fork of claims 8-9 and 12-13 is not new.

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/GB2004/005429

D3 shows in Fig. 20 a fork according to claim 8 with a head portion (23), a plurality of tines (2) comprising a first section adjacent to the head portion and having an inwardly facing surface which together with the inwardly facing surfaces of the other tines defines an adjustment area and a second section remote from the head portion and having an inwardly facing guide surface.

That fork can be used in a tooling system according to any of claims 1 to 7, since the shape of the elements of the tooling system is not defined as not being suitable to be engageable by such a fork.

D3 also shows a fork according to claims 9 and 12-13, so that the subject-matter of these claims is not new either.

The fork of claims 10-11 and 14-15 is new and inventive.

Starting from a fork disclosed in D3, the skilled person has no reason to change its geometry to come to the subject-matter of one of these claims.